

**IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF WEST VIRGINIA**

ALLAN PETERSON,

Plaintiff,

v.

**Civil Action No. 5:07cv53
(Judge Stamp)**

**R. TRYBUS;
N. JUNKINS;
ERIC ELZA;
MALLORY, Unicor Supervisor;
KOVCEK,**

Defendants.

ORDER GRANTING MOTION TO AMEND

On April 25, 2007, the *pro se* plaintiff, Allan Peterson, a federal inmate, filed a Bivens action. On May 23, 2007, he filed a Motion requesting leave to amend the complaint.

Federal Rule of Civil Procedure 15(a) provides that “a party may amend the party’s pleading once as a matter of course at any time before a responsive pleading is served... Otherwise a party may amend the party’s pleading only by leave of court or by written consent of the adverse party; and leave shall be freely given when justice so requires.

Here, a review of the file shows that no responsive pleading has been served. Thus, the plaintiff’s Motion to Amend (Doc.9) is GRANTED as a matter of course.

IT IS SO ORDERED.

The Clerk is directed to mail a copy of this Order to the plaintiff at his last known address as reflected on the docket sheet.

DATED: November 15, 2007

/s/ James E. Seibert
JAMES E. SEIBERT
UNITED STATES MAGISTRATE JUDGE